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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,884	02/07/2001	James A. Johanson	L7480.0213/P213	3315
7590 06/03/2005 HARNESSE, DICKEY & P.L.C P.O. BOX 8910 Reston, VA 20195			EXAMINER LESNIEWSKI, VICTOR D	
			ART UNIT 2155	PAPER NUMBER

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/777,884

Applicant(s)

JOHANSON ET AL.

Examiner

Victor Lesniewski

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5, 19 and 30-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-5, 19 and 30-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendment filed 2/10/2005 has been placed of record in the file.
2. Claims 3-5 and 19 have been amended.
3. Claims 1, 2, 6-18, and 20-29 have been canceled.
4. Claims 30-37 have been added.
5. Claims 3-5, 19, and 30-37 are now pending.
6. The applicant's arguments with respect to claims 3-5, 19, and 30-37 have been considered but are moot in view of the following new grounds of rejection.

Continued Examination Under 37 CFR 1.114

7. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous office action has been withdrawn pursuant to 37 CFR 1.114. The applicant's submission filed on 3/10/2005 has been entered.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2155

9. Claims 3-5, 19, and 30-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fumarolo et al. (U.S. Patent Number 6,204,844), hereinafter referred to as Fumarolo, in view of Bork et al. (U.S. Patent Number 6,246,376), hereinafter referred to as Bork.

10. Fumarolo disclosed a method for dynamically viewing and grouping multiple communication units in a communications system. In an analogous art, Bork discloses a communications system that provides a continuous indication of distance and direction relative to two devices.

11. Concerning claims 19 and 32, Fumarolo did not explicitly state that his system's devices could communicate using Bluetooth signals. Fumarolo's system does utilize a wireless infrastructure and it could easily be adapted to operate using any type of known wireless network. Furthermore, the ability to transfer GPS coordinates between devices using Bluetooth was well known in the art at the time of the applicant's invention as evidenced by Bork. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Fumarolo by adding the ability to transmit and detect Bluetooth signals in such a communications system as provided by Bork. Here the combination satisfies the need for a GPS device that can communicate its location with another trusted device by using Bluetooth or a cellular link. See Bork, column 3, lines 29-34. This rationale also applies to those dependent claims utilizing the same combination.

12. Some claims will be discussed together. Those claims which are essentially the same except that they set forth the claimed invention as a device are rejected under the same rationale applied to the described claim.

13. Thereby, the combination of Fumarolo and Bork discloses:

- <Claims 19 and 32>

A method for selecting nearby devices to communicate with, comprising the steps of: transmitting a first Bluetooth signal (Bork, column 4, lines 60-64 and column 5, lines 13-17); detecting a plurality of second Bluetooth signals, each containing GPS coordinates of at least one nearby device (Bork, column 4, line 64 through column 5, line 2, for the use of Bluetooth, and Fumarolo, column 5, lines 35-41 and column 13, lines 32-42); and selecting a nearby device associated with one of the detected signals to communicate with based on the received GPS coordinates (Fumarolo, column 5, line 61 through column 6, line 12 and column 13, lines 32-42).

- <Claims 30 and 33>

The method as in claim 19 further comprising the step of: displaying the location of each nearby device associated with received GPS coordinates (Fumarolo, column 5, lines 35-41); and selecting the nearby device to communicate with based on the displayed locations (Fumarolo, column 13, lines 43-58).

- <Claims 31 and 34>

The method as in claim 30 further comprising selecting a nearby device associated with a shortest location (Fumarolo, column 16, lines 8-26 and column 17, lines 25-42).

- <Claims 3 and 35>

The method as in claim 30 further comprising displaying only those nearby devices within a certain range (Fumarolo, column 16, line 54 through column 17, line 6).

- <Claims 4 and 36>

The method as in claim 19, wherein each of said second signals includes the type of nearby device (Fumarolo, column 5, lines 41-60).

- <Claims 5 and 37>

The method as in claim 4 further comprising the step of displaying the type of nearby device associated with each received second signal (Fumarolo, column 5, lines 41-60).

Since the combination of Fumarolo and Bork discloses all of the above limitations, claims 3-5, 19, and 30-37 are rejected.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VL

Victor Lesniewski
Patent Examiner
Group Art Unit 2155

Bharat Barot.

BHARAT BAROT
PRIMARY EXAMINER